

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**ASHBY HENDERSON**, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

**BNY MELLON, NATIONAL  
ASSOCIATION**,

Defendant.

Case No. 1:15-cv-10599-PBS

**JOINT MOTION TO STAY ACTION PENDING SETTLEMENT**

Plaintiffs Ashby Henderson and Thomas Hershenson (“Plaintiffs”), and Defendant BNY Mellon, N.A. (“BNY Mellon”) (collectively, the “parties”), by and through their undersigned counsel, hereby move to stay the above-captioned case.

1. As good cause, the parties state that on November 17, 2017, the parties participated in a full day of mediation before the Hon. Diane Welsh (ret.). This was the parties’ second full-day session with Judge Welsh.

2. The parties have reached a class settlement in principle.

3. Plaintiffs’ motion for class certification and BNY Mellon’s motion for summary judgment are fully briefed and pending before the Court. Plaintiffs’ motion for summary judgment is partially briefed, with BNY Mellon’s surreply due on November 27, 2017.

4. The parties request that the Court stay this action including all pending motions and deadlines, for forty-five days, so that the parties may document the settlement and submit it to the Court for preliminary approval.

WHEREFORE, Plaintiffs Ashby Henderson and Thomas Hershenson and Defendant BNY Mellon, N.A. hereby request that the Court stay this action for forty-five days to allow the parties to document the settlement and file a motion for preliminary approval.

Dated: November 21, 2017

Respectfully submitted,

/s/ Nellie E. Hestin

Mary J. Hackett (admitted pro hac vice)  
mhackett@mcguirewoods.com  
K. Issac deVyver (admitted pro hac vice)  
kdevyver@mcguirewoods.com  
Melissa M. Taylor (admitted pro hac vice)  
mmtaylor@mcguirewoods.com  
Nellie E. Hestin (BBO #676886)  
nhestin@mcguirewoods.com  
**MCGUIREWOODS LLP**  
260 Forbes Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 667-6000  
Facsimile: (412) 667-6050

*Attorneys for Defendant BNY Mellon, N.A.*

/s/ Elizabeth Ryan

John Roddy, BBO # 424240  
jroddy@baileyglasser.com  
Elizabeth Ryan, BBO # 549632  
eryan@baileyglasser.com  
Benjamin Lajoie, BBO # 693715  
blajoie@baileyglasser.com  
**BAILEY & GLASSER LLP**  
99 High Street, Suite 304  
Boston, MA 02110  
Telephone: (617) 439-6730  
Facsimile: (617) 951-3954

Gregory Y. Porter (admitted pro hac vice)  
gporter@baileyglasser.com  
**BAILEY & GLASSER LLP**  
1054 31<sup>st</sup> Street, NW, Suite 230  
Washington, DC 20007  
Telephone: (202) 463-2101  
Facsimile: (202) 463-2103

Derek G. Howard (admitted pro hac vice)  
derek@derekhowardlaw.com  
**DEREK G. HOWARD LAW FIRM, INC.**  
42 Miller Avenue  
Mill Valley, California 94941  
Telephone: (415) 432-7192  
Facsimile: (415) 524-2419

J. Brian McTigue (admitted pro hac vice)  
bmctigue@mctiguelaw.com  
Regina M. Markey (admitted pro hac vice)  
rmarkey@mctiguelaw.com  
Brooke Edwards (admitted pro hac vice)  
bedwards@mctiguelaw.com  
**MCTIGUE LAW LLP**  
4530 Wisconsin Avenue, NW, Suite 300  
Washington D.C. 20016  
Telephone: (202) 364-6900  
Facsimile: (202) 364-9960

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Nellie E. Hestin, hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this November 21, 2017.

/s/ Nellie E. Hestin  
Nellie E. Hestin